

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ANDREA Y. STEIB and U.S. POSTAL SERVICE,  
POST OFFICE, New Orleans, La.

*Docket No. 97-704; Submitted on the Record;  
Issued December 17, 1998*

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DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an occupational injury in the performance of her federal employment.

The Board has duly reviewed the case record and concludes that appellant has not met her burden of proof in this case.

On June 8, 1996 appellant, then a 27-year-old former letter carrier, filed a claim for occupational disease (Form CA-2) alleging that she sustained plantar fasciitis due to prolonged walking and standing with heavy loads of mail on some routes.<sup>1</sup> She stated that she was first aware that her condition was causally related to her federal employment in November 1993. Appellant further noted that her claim was filed more than 30 days from the time she was aware of the causal relationship between her condition and her employment because her "claim [had been] entered incorrectly by your office."<sup>2</sup>

By letter dated July 18, 1996, the Office of Workers' Compensation Programs advised appellant that she needed to submit additional information regarding her claimed foot condition including a comprehensive narrative medical report containing a well-rationalized medical opinion as to the cause of her condition. The Office noted that it would allow approximately 30 days for the submission of the requested information.

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<sup>1</sup> Appellant was terminated on December 25, 1993.

<sup>2</sup> Appellant filed an earlier claim, A16-0232776, for traumatic injury to her left foot which she alleged occurred on October 20, 1993. The Office accepted that injury but later denied appellant's claim for a recurrence of disability. However, the hearing representative in the recurrence claim modified the Office's acceptance to "an episode of plantar fasciitis."

On August 26, 1996 the Office, in a decision, denied appellant's claim on the grounds that the evidence of record failed to establish that an injury due to occupational exposure was sustained as alleged.

Establishing whether an injury, traumatic or occupational, was sustained in the performance of duty as alleged, *i.e.*, "fact of injury," and establishing whether there is a causal relationship between the injury and any disability and/or specific condition for which compensation is claimed, *i.e.*, "causal relationship," are distinct elements of a compensation claim. While the issue of "causal relationship" cannot be established until "fact of injury" is established, acceptance of fact of injury is not contingent upon an employee proving a causal relationship between the injury and any disability and/or specific condition for which compensation is claimed. An employee may establish that an injury occurred in the performance of duty as alleged but fail to establish that his or her disability and/or specific condition for which compensation is claimed are causally related to the injury.<sup>3</sup>

To accept fact of injury in a traumatic injury case, the Office, in addition to finding that the employment incident occurred in the performance of duty as alleged, must also find that the employment incident resulted in an "injury." The term "injury" as defined by the Federal Employees' Compensation Act, as commonly used, refers to some physical or mental condition caused either by trauma or by continued or repeated exposure to, or contact with, certain factors, elements or conditions.<sup>4</sup> The question of whether an employment incident caused a personal injury generally can be established only by medical evidence.<sup>5</sup>

In support of her claim, appellant submitted an evaluation from a physical therapist and multiple treatment notes. The evaluation of appellant's physical therapist is of no probative medical value as a physical therapist is not a physician under the Act and is not competent to give medical opinions.<sup>6</sup> Further, although the treatment notes included diagnoses of plantar fasciitis and reported various therapies recommended to treat the condition, none of the treatment notes contained a rationalized medical opinion establishing that her plantar fasciitis was causally related to her employment.

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<sup>3</sup> As used in the Act, the term "disability" means incapacity because of an injury in employment to earn wages the employee was receiving at the time of the injury, *i.e.*, a physical impairment resulting in loss of wage-earning capacity; see *Frazier V. Nichol*, 37 ECAB 528 (1986).

<sup>4</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>5</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>6</sup> See 5 U.S.C. § 8101(2).

The decision of the Office of Workers' Compensation Programs dated August 26, 1996 is hereby affirmed.

Dated, Washington, D.C.  
December 17, 1998

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member